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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

AL AUBAIDI, RASHA S

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/875,462
Filing Date: June 05, 2001
Appellant(s): ROSSET ET AL.

Robert Popa
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/03/2006 appealing from the Office action mailed 07/13/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

This appeal involves claims 1-25.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6094479	Lindeberg et al.	7-2000
6647109	Henderson	11-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

Claims 1-6, 10-11 and 16-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Lindeberg et al. (US PAT # 6,094,479).

Regarding claim 1, Lindeberg teaches a communication platform (reads on the public telecommunication network 100 that provides CTI services, see col. 3, lines 28-60 and col. 5, lines 23-32) for providing computer/telephony integration services to remote subscribers (see col. 2, lines 14-20, col. 3, lines 16-25), comprising: - a switch (reads on SSPs switches 241 and 245, see col. 6, lines 45-60, see also Fig. 1) for communicating with an external telephone network or interconnected networks

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through a communications trunk; - for each of one or more subscribers (see customer domain in Fig. 1 and col. 5, lines 45-62), a subscriber telephony component (reads on customer domain 260 or 270 shown in Fig. 1) executed by processing means (processing means reads on the CCF within the SSPs 241 and 245, which does the actual functionality of the switch, see col. 6, lines 45-60) belonging to the communication platform (reads on the public telecommunication network 100 that provides CTI services) and connectable to an external subscriber's information system (reads on the CPE- based private telecommunications network, see col. 5, lines 23-26) through a private data channel (reads on CTI channel see col. 1, lines 47-50), whereby said subscriber telephony component (260 or 270, in Fig. 1) is operable to communicate with other components of said subscriber's information system so as to be logically part of said information system, each subscriber telephony component being capable of controlling calls handled by said switching unit in response to data communication through the private data channel (this basically reads on the many advantages on providing CTI system in order to provide different services to users as well as allowing those users to have control of these services see col. 1, lines 29-67 and col. 2, lines 42).

Claims 4-5, 10-11, 16, 18-20, and 23-25 are rejected for the same reasons as discussed above with respect to claim 1. For claims 16 and 23-25, the claimed "intelligent agent" reads CTI server (251) within customer domain (250), see col. 5, lines 55-67 and col. 6, lines 1-21. Also, regarding the functionalities of the "intelligent

agent" this basically read on computer terminals (263) and (264) as shown in Fig. 1 connected to a private data communication (254) that connects computers in all three of the customer domains 260, 270, and 250 (see col. 5, lines 39-44).

Regarding claim 2, Lindeberg teaches subscriber telephony component (it may reads on customer domain 260, 270 or 250 as shown in Fig. 1) is comprised of an intelligent agent (reads CTI server 251) within customer domain (250), see col. 5, lines 55-67 and col. 6, lines 1-21.

Regarding claims 3 and 17, Lindeberg teaches said private data channel is a virtual private network link (VPN) connected to a network of the subscriber's information system (see col. 3, lines 61-66).

Regarding claim 6, Lindeberg teaches call handling resources available to each of said subscriber telephony components, - storage (reads on database 252, see Fig. 1, and col. 6, lines 1-6) for resource allocation data in association with each subscriber telephony component, and - control means for allocating call handling resources to a given subscriber telephony component when handling a telephone call on the basis of said resource allocation data (control means reads on CTI server 251 in Fig. 1, and col. 5, lines 63-67 and col. 6, lines 1-21).

Claim Rejections - 35 USC § 103

Claims 7-9, 12-15 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindeberg in view of Henderson (US PAT # 6,647,109).

Regarding claims 7 and 21, Lindeberg does not specifically teach the call handling resources comprises voice-processing resources.

However, Henderson teaches a telephony system and method for providing telephony services to remote users; this telephony system comprises a user side and a provider side. The user side includes a telephony instrument and a personal computer for establishing communication with the provider side via a communication gateway, a communication device and a wide area network, such as the Internet. The provider side includes a virtual private network (200) in communication with the wide area network and a communication network (see abstract, also FIG. 2). Within the communication system 200, voice may be carried in a variety of ways, including VOIP (see col. 6, lines 6-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of call handling resources that comprises voice processing resources (reads on VOIP) as taught by Henderson into the Lindeberg system in order to provide the user with the versatility and the convenience.

Claim 8 recite "said voice processing resources are connected to said switching unit". This is inherent in both references.

Regarding claims 9, 13 and 22, Lindeberg does not specifically teach the use of billing system in communication with said control means for billing each subscriber according to call handling resource usage. However, using a billing system in communication with said control means could be obvious in order to keep track of the services that were offered to each subscriber.

Claim 12 recites, "before the call handling resources allocation step, a step of checking from resource allocation data stored by the communication platform whether there are sufficient call handling resources available for the current incoming call. This feature is obvious, since logically one should always have to check the availability and the capability of the software and the hardware components.

Claims 14-15 recites that "in association with said installation step, the additional step of allocating to the subscriber telephone component security data for secure communications with said subscriber information system and between said component and the rest of said communication platform". Providing security data for secure communication is obvious and well-known feature in the art. As a matter of fact, many references teaches the use of providing security of data traveling from one

system to another or even for the users within the same system. Advantages for such a feature are well known.

(10) Response to Argument

Regarding Appellant's statement (Appeal Brief, page 4) that "the SSPs that incorporate these CCFs are part of the 'intelligent network 200' and have nothing to do with a subscriber telephony component". The Examiner respectfully disagrees with Appellant's statement because the CCFs 243 and 247 with SSPs 241 and 245 provide telephony services to customers at customer domains 260 and 270 as shown in FIG. 1. Thus, Appellant's statement that SSPs have nothing to do with the subscriber telephony component is not accurate.

Also, Appellant states (Appeal Brief, page 4) "the Examiner appears to equate Applicant's claimed subscriber telephony component to the customer domain 250 of Lindeberg, as noted in the rejection of claim 2". In the rejection of claim 2, (final office action mailed 07/13/2005, page 2) the Examiner referred to the subscriber's telephony component as customer domain 260 as shown in Fig. 1 and not customer domain 250. However, in claim 2 rejection (see above rejection), the Examiner read subscriber telephony component as customer domains 260, 270 or 250 as shown in Fig. 1, since Lindeberg specifically teaches that customer domains 250, 260 and 270 are almost the same. They all belong to the same business, organization or other customers (see col. 5, lines 33-35).

Regarding Appellant's statement (Appeal Brief, page 4) "customer domains 260 and 270 are also, just like customer domain 250, not part of the intelligent network". It is not clear as to how the customer domains 260 and 270 being a part or not being a part of the network is relevant to the claim's language. As a matter of fact, customer domains 260 and 270 may be considered part of the intelligent network 200 because customer domains 260 and 270 are actually served by SSPs 241 and 245, which are part of this intelligent network 200. Furthermore, intelligent network 200 and all other components are parts of public telecommunications network 100. Again, the customer component being a part or not a part of a "network" (such as intelligent network 200 or Public telecommunications Network 100) is irrelevant to the claims, which simply recite a "network".

Appellant states (Appeal Brief, page 5) that "Claims 16 and 23-25 all recite an intelligent agent, and the Examiner has made no showing of Lindeberg disclosing an intelligent agent as recited in any of these claims". The claimed "intelligent agent" reads on reads CTI server (251) within customer domain (250), see col. 5, lines 55-67 and col. 6, lines 1-21. Also, the functionalities of this "intelligent agent" (such as, having the intelligent agent communicating with other components and the intelligent agent has the capability to control calls handled by the switch) read on computer terminals (263) and (264) as shown in Fig. 1 connected to a private data communication (254) that connects computers in all three of the customer domains

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260, 270, and 250 (see col. 5, lines 39-44). Thus, Appellant statement that “the Examiner has made no showing of Lindeberg disclosing an intelligent agent as recited in any of these claims” is irrelevant.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted
Rasha S. Al-Aubaidi
March 10, 2006

Conferees:

Wing Chan



Supervisory Patent Examiner

WING CHAN
SENIOR PRIMARY EXAMINER
TECHNOLOGY CENTER 2600

Fan Tsang



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Supervisory Patent Examiner

Rasha S. Al-Aubaidi

Patent Examiner

